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AUTHOR Greene, Brenda Z.
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ABSTRACT

The theme article of this issue, "Addressing Teenage Pregnancy and Parenthood" by Brenda Greene, explains that pregnant students and those who are already parents have the same legal rights to public education as do all other students. To meet this responsibility and to lower dropout rates, schools need to make educational opportunities available to these students. Characteristics of successful programs are presented. Janet Horton in "A Dilemma for School Boards: Employees Who Are Unwed Parents," summarizes court decisions holding that school systems cannot dismiss an unwed parent based on the assumptions of immorality or because the individual is seen as an unfit role model for students. The first of the remaining two short articles informs school systems that, legally, pregnancy and childbirth are considered medically related problems and qualify for sick and disability leave. However, parenting does not, and the option to take unpaid child care leave must be available to men if it is available to women. The last article advises that the authorization of all televised school events and the approval of program content, commercials, and commentators can give school systems more control over what and how school events are televised. (MLF)

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Updating SCHOOL BOARD POLICIES

Volume 15/Number 7/July-August 1984

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Addressing teenage pregnancy and parenthood

by Brenda Z. Greene

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Addressing teenage pregnancy and parenthood

by Brenda Z. Greene

Do pregnant students drop out of school in your community, or are they encouraged—really encouraged—to continue their education? Does your board have a policy that recognizes the legal rights of pregnant students to stay in school?

Basis in law

Title IX of the 1972 Education Amendments mandated that pregnant students and those already parents have the same rights to public education as all other students. Exclusion from programs, courses, or extracurricular activities was specifically prohibited.

"In the early 1970s, it wasn't unusual for principals to bar a pregnant student from walking across the stage to pick up her diploma," said Rodney Davis, director of information services for the Dallas Independent School District. "Today, our High School for Health Professions houses a center program for pregnant girls. The epidemic proportions of teenage pregnancy are being addressed."

Scope of problem

Epidemic, trend, or however it is described, teenage pregnancy is a national problem not limited to low income or low achieving youngsters. Statistics reveal that one in ten teenagers becomes pregnant each year. Some opt for abortion, some marry, and some keep their babies (who too frequently are underweight and unhealthy due to the mother's poor nutritional habits), and many drop out of school.

"It's difficult to come up with real statistics on why students drop out of school," said Joan Hartman, Fairfax County (Va.) Public Schools teacher who heads the two-year-old teen parenting program at Groveton High School, one of 23 county high schools. "Pregnant students just seem to disappear. The real reason isn't always known," said Hartman.

Margaret Dunkle, a consultant to the Council of Chief State School Officers Research Center on Sex Equity, told a gathering of state education officials in January, "Pregnancy remains the main reason why teens drop out of school."

Why schools get involved

Concern about dropout rates is one reason schools start to address the problem of teenage pregnancy. Public schools have the mission of educating *all* students to be productive and contributing members of society.

When schools ignore the special needs of students who are pregnant or who already are parents, the youngsters drop out and usually require public assistance. Without the skills to get and keep a job, as well as parenting skills, these youngsters and their children can get caught in a perpetuating lifestyle. The question school boards face is: Should educational opportunities be less available to students who are pregnant or who are school-age parents?

Getting started

In 1981, The Rand Corporation published *The Response of the Schools to Teenage Pregnancy and Parenthood.* One conclusion reached in the report was that most school programs addressing the needs of teenage parents are spearheaded by one or two committed individuals, usually someone from the school system or the social service sector. These are the people who have seen the problem firsthand, know what help is needed, and have the energy and determination to do something about it.

"Gifted and talented students and the learning disabled have advocacy groups," said Fairfax's Hartman, whose efforts paid off in the Groveton program. "But the teenage mothers are the forgotten many," she added.

Identify local needs

A built-in constraint, however, is community response. Teenage pregnancy, and teenage sexuality in general, are controversial issues. They relate to community, family, and religious values. Teenage pregnancy still is considered by many people to be the result of immoral behavior and a family responsibility. It is essential, therefore, that each school system assess its community's needs and develop and support those programs that address local needs in the context of community values as well as the law.

Some ways to assess the local problem are to look at the reasons for school dropouts, how the homebound instruction program is being used, what guidance counselors *really* are advising students to do, statistics on live births to teenage girls, and data on public assistance to teenage parents. Discussions with community experts can help identify the scope of the problem and can result in cooperative planning and support.

"A community network is important," said Hartman. "It's the only way for the program to do what it needs to do, gain credibility, and increase support."

Program options

School systems often rely on homebound instruction to fulfill their legal responsibility to educate all students. Depending on state law, however, school systems can be required to provide as little as one hour a day of

continued on page 2

EA 017 145

continued from page 1
instructional time.

While homebound instruction can be a real benefit to the motivated student who physically cannot attend school, it falls short of meeting the needs of the pregnant teenager who lacks motivation and also has an array of other concerns with which to deal.

"Our students have the option to take homebound instruction," said Stephen Farkas, assistant to the superintendent for the New Brunswick (N.J.) School District, "but they don't take it. Frequently, they'll stay in their regular school until the fifth or sixth month, and then opt for the Family Learning Center."

The 4,800-student New Brunswick school system has been providing a special program for pregnant students for about 15 years. Originally supported by Title XX grant funds and operated in a portable facility, the local board now funds the Family Learning Center (which runs to six figures) and the system is tying into grants with local hospitals to provide improved health care services.

The goals of the program are to educate students, prepare them for parenthood, and improve the emotional, physical, and social well-being of parent and child. On average, 20 to 30 girls are in the program, which also is used on a tuition-paying basis by neighboring school systems.

Comprehensive programs

This year, New Brunswick's Family Learning Center is moving into the regular high school for two reasons. "Portable facilities are considered substandard instructional sites by the state," explained Farkas, "but the move also will make it possible to offer a broader curriculum to students. They need science labs, for example."

New Brunswick's action is in keeping with a trend to house these special programs within regular high schools. In addition to being better able to meet the variety of educational needs represented by the enrolled girls, the stigma surrounding teenage pregnancy and unwed mothers is decreasing. More students want to stay with their friends in their neighborhood school.

The site change for New Brunswick's Family Learning Center is being planned carefully. A committee researched what other school systems are doing and found that comprehensive programs are working well. "In-service training is being provided to the entire school staff to help them deal with pregnant students," said Farkas.

The Vineland City (N.J.) School District also started its program as a separate unit. It now is housed within the 11th-12th grade high school. An average of 25 girls per year from the 11,000-student system enroll in the program which is flexible to meet individual needs. Outside consultants, such as pediatricians, obstetricians, and nurses provide much of the prenatal and postnatal instruction.

Operating as a center within the regular school, high school students usually are mainstreamed while 7th and 8th graders are self-contained. Occasionally, an elementary school student is accommodated.

"At first, teachers were concerned about the possible negative influence pregnant students might have on other students and on school climate," said Charles Dyer, assistant superintendent for secondary education. "It proved to be a false concern; the community is quite supportive."

Key ingredient is staff

"The key to our program's success is having the right instructor," said Dyer. "Unfortunately, the teacher who made it as good as it's been for the last 13 years is retiring, but," he added, "I'm confident her replacement will be as enthusiastic and capable."

Before retiring, the teacher submitted a report on the program which noted that enrolled students develop a more positive attitude toward school, want to continue their education, and more babies are being born of average or above average weight. "Over 90 percent of the girls keep their babies and come back to school," said Dyer.

Experts suggest that staffing decisions be made by the program director and not by personnel department staff. In addition to the special knowledge and teaching skills required, it is important for teachers to be concerned, compassionate, and understanding.

What to teach

By locating the special program within a traditional high school, students have the full range of educational opportunities. In addition to regular academic and vocational subjects, however, programs geared to pregnant students usually provide a lot of information on parenting skills, nutrition, and health.

Some school programs are providing adapted physical education classes designed for pregnant girls, and some are teaching the Lamaze method of natural childbirth. Too often young girls don't actually understand how they got pregnant, so sex education and family planning information also is important to teach.

Additional services

What goes on in the classroom isn't necessarily all the school system should be concerned with regarding educating pregnant students. Ensuring good nutrition, for example, can mean more than learning about the nutritional needs of pregnant women. Some school systems provide nutritional breakfast, lunch, and snacks. Monitoring the student's health is another possibility and might be accomplished by the school nurse or cooperatively with a community health center.

The emotional well-being of the student and her relationships with her family and the baby's father are other aspects of the problem that schools may want to address. Specialized and expanded counseling services may be useful or necessary.

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Again, cooperative efforts with local social service agencies make it more possible to broaden a program's scope.

After the baby is born

School systems are finding that keeping the student in school throughout her pregnancy doesn't solve all problems. Students who keep their babies frequently can't return to school because they don't have child care available.

Groveton High School's program was originally funded by a March of Dimes grant to provide infant day care for student mothers. The benefits are twofold: the mothers stay in school and have help in taking care of their children; pregnant students spend at least an hour a day studying child development by getting actual practice in the infant care center.

"Eight babies are preregistered for the fall," said Hartman. "When the babies are two-and-a-half they can be enrolled in the community day care center also housed in the school. "Cost isn't a real factor," she added. Most girls are eligible for public assistance, with fees paid directly to the school system. Those not on welfare receive a county subsidy, so the maximum a student pays for child care is 15 dollars a week."

New Brunswick schools also are responding to the need for child care provisions. "We recently received a grant to provide child care at a local day care center," said Farkas, "so students can return to school."

Preventing the problem

Some girls view having a baby as something special they can do, as a way of getting attention, or as a hostile act. Others just don't know how to say no or how to avoid pregnancy. They need to understand that maturity and resources are needed when you're responsible for another human being. Education can help youngsters understand how to avoid adult responsibilities before they're ready to handle them.

"All students receive family life education—it's New Jersey law," said Farkas. "Last year all ninth graders, boys one day and girls another day, participated in all-day sessions with experts at a nearby college."

The Dallas school system adopted its family life education program about three years ago. It starts in the elementary grades and involves parents as well. "There was strong community opposition," recalled Davis, "but school principals countered with talk of the growing problem of teenage pregnancy."

Adopting a family life curriculum probably always will be controversial. Involving a broad spectrum of the community (educators, parents, students, clergy, health experts, organization leaders) is a proven way to address curriculum issues as well as to build a base of public support to respond to community objections.

Policy questions

School boards can't always address every community need or desire. Priorities need to be established, mandates must be fulfilled, and there must be funding to back up decisions. When it is community values that interfere, the board needs to make clear to the community that providing programs to help students complete their education isn't the same as a board endorsement of teenage pregnancy.

In some communities, it may not be financially possible to support more than a minimum program that meets legal requirements. Special programs are costly because they usually require applying a lower student-teacher ratio. Allowing students to stay in school and providing homebound instruction when they can't may be all that is possible.

When a school board decides to do more, however, policy decisions need to be made. In addition to determining the program's objectives and the scope of curriculum and services, boards should decide:

- Where will the program be located? Site selection and the availability of transportation will affect who attends. Dallas, for example, provides transportation to its special program, but Fairfax County students who don't attend Groveton High School regularly are on their own. In a county of approximately 400 square miles with inadequate public transportation, the benefits of the program are available to only a small number of students. Those who don't want to remain in their regular high school and have no way to travel to Groveton are encouraged to enroll in adult education courses.
- Will the standard attendance regulations apply to pregnant students and/or to teenage mothers? Will the standards be the same for students who remain in their regular school and for those who enroll in the special program? Pregnancy and parenthood often result in higher absentee rates. The attendance rate at New Brunswick's Family Learning Center last year, for example, was 70 percent.
- Will inservice training be provided for staff? Adopting a policy that addresses the needs of pregnant students fairly and consistently is only a first step. If negative staff attitudes toward teenage pregnancy aren't addressed, pregnant students may get the message—directly or indirectly—that they should drop out of school. Staff members should be made aware of the numbers of students who get pregnant and have babies, the dropout rate, relevant laws, school system policy, and program opportunities.

Some other questions to address are:

- How will pregnancy be verified? Will a doctor's permission be required for a pregnant student to participate in extracurricular activities?
- What services will be provided to teenage fathers?
- Can pregnant students or teenage parents be barred from membership in the National Honor Society? The results of a current court case involving a Marion Center (Pa.) senior will have future implications and policy makers should be alert to the impending court decision.

Evaluate

As with all school programs, a plan for evaluating the success of the program in meeting stated objectives is essential. Are dropout rates being reduced due to the program or policy? What happens to the students after their babies are born? What happens to the babies? By using control groups of nonpregnant students, pregnant students who remain in their regular school, and those who opt for a special program, dropout and attendance rates and learning can be measured.

Comprehensive program evaluations are time consuming and can be expensive. Nevertheless, it is important to find out if the program is doing a good job, if and how it can be improved, and how costly it is. An evaluation report that identifies the actual benefits and problems inherent in a program also can be a useful tool for broadening community support and involvement. ■

court view

A dilemma for school boards: employees who are unwed parents

by Janet Little Horton

Is your school system considering terminating the contract of an employee who has given birth to a child out of wedlock? If so, expect to be judged according to very stringent review standards if the action is challenged in federal court. The United States Supreme Court has held that bearing a child is a fundamental right protected by the Constitution.

A school system cannot dismiss an unwed parent based on the assumption that parenting an illegitimate child is a per se indication of immorality or that the situation automatically makes a teacher unfit as a role model for students. Immorality means different things to different people.

School systems must articulate a compelling reason based on a state interest for the dismissal action, such as a negative effect on teaching ability, a breakdown in relationships with coworkers that interferes with job performance, or demonstrable harm to students. It also must be shown that terminating the contract of an unwed parent is the only means to further that state interest.

Fundamental rights

In *Lewis* vs. *Delaware State College* (1978), the college administration refused to renew the plaintiff's employment contract because she had given birth to an illegitimate child. Ms. Lewis had consistently received satisfactory performance evaluations; immediately before the start of her maternity leave, the plaintiff received another satisfactory evaluation and was recommended for renewal.

The college tried, but could not prove that parenting an illegitimate child automatically meant that the plaintiff was of poor moral character. Neither could the college demonstrate that the plaintiff's action interfered with performance of her duties. Finally, the college was unable to prove any compelling state interest that would allow it to infringe on Ms. Lewis' fundamental constitutional right to procreate as a condition of employment.

In contrast, the plaintiff was able to show that other staff and students at the college had parented illegitimate children and suffered no consequences. Indeed, the Lewis child's acknowledged father had not been exposed to any adverse consequences and still was employed by the college. Decisions to dismiss unwed parents must be applied equally to males and females to avoid sexual discrimination litigation.

Actual and rational evidence

Dismissing a teacher for giving birth to an out-of-wedlock child is difficult even when the teacher doesn't allege that a fundamental right has been violated, but only that a violation of equal protection has occurred. An equal protection analysis requires that the school system's actions be related to legitimate government interests in a rational way.

In *Andrews* vs. *Drew Municipal Separate School District* (1975), the Fifth Circuit Court determined that the Mississippi school system was not justified in enforcing a policy against employing parents of illegitimate children. Although the school system was able to articulate a legitimate government interest—the need to foster moral as well as intellectual development in its students—it was unable to produce evidence that related its policy in a rational manner to this recognized state interest.

The court found that the school system was not justified in assuming that unwed parenthood was an automatic indication of immorality or that an unwed parent presented an improper role model for students. The system's allegation that employing unwed parents contributed materially to the problem of student pregnancies was based purely on speculation. No evidence was produced to demonstrate that the situation made the plaintiffs unfit to teach.

In another case, an Alabama teacher was fired after informing her principal and superintendent that she was expecting an illegitimate child. In examining the case (*Avery* vs. *Homewood City Board of Education*, 1982), the Fifth Circuit Court analyzed the case under First Amendment standards and found that the plaintiff's pregnancy was a substantially motivating factor in the decision to terminate her contract. It found that the dismissal decision would not have been made in the absence of the pregnancy.

Consequently, under the standards enunciated by the Supreme Court in *Mount Healthy School District Board* vs. *Doyle* (1977)—the overriding cause of dismissal relates to a protected constitutional right, the school system had violated the plaintiff's constitutional rights. Also, the automatic assumption that unwed parenthood is per se proof of immorality, and that a parent of an illegitimate child is an unfit role model, violated the plaintiff's rights to equal protection of the law. The Supreme Court made the lower court's decision final by declining to review the case.

Conclusion

A teacher who is the parent of an illegitimate child can cause substantial concern and consternation in a community. The best course for a school system to follow is to ignore the private activities of employees unless those activities actually can be proven—on a case by case basis—to have a negative effect on the teacher's performance or to have created such public notoriety that the teacher is prevented from carrying out his or her responsibilities.

If such a situation seems to exist, the school system should move cautiously and only after a complete review of the situation by the school system attorney. ■

Janet Little Horton practices law with Bracewell & Patterson (Houston, Texas).

Tips 'n Techniques

Separate your pregnancy and child care policies

History teacher Mrs. Smith is pregnant. English Teacher Mr. Jones also is expecting a baby.

Mrs. Smith has been accumulating sick leave days in anticipation of the baby's birth. She will apply for disability leave if her doctor advises that she needs more time to recover from the delivery. She also will apply for one year of unpaid child care leave.

Mr. Jones also plans to take time off when his baby is born. Unless he actually is sick or disabled, however, Mr. Jones will not be eligible to use sick leave or disability leave at that time. Mr. Jones will have to apply for unpaid parental leave. Although he wants to help his wife, spend time with his new child, and have time to adapt to his new responsibilities, Mr. Jones is the sole support of his family and won't be able to afford unpaid leave for more than a few weeks.

Pregnancy and parenting are different

In a nutshell, the Jones/Smith scenario explains the approach school systems should take regarding pregnancy, childbirth, and parenting as they relate to leave policies. Pregnancy and childbirth are considered medically related problems and qualify for sick and disability leave. Parenting does not.

By adopting policies that meet these definitions, school systems take the approach that best meets the legal requirements of the Pregnancy Discrimination Act amendments to Title VII of the 1964 Civil Rights Act and resulting state laws.

A separate maternity leave policy that applies only to the childbearing parent and allows leave of more or less time than for other sickness or disability won't hold up in court. Incorporating pregnancy into sick leave and disability leave policies is the solution. In this way, the employee is entitled to use accumulated sick leave and then disability leave for pregnancy as for any medical disability.

Procedures for granting leaves for men and women also must be fair and consistent. A written policy that is nondiscriminatory is insufficient when application of the policy demonstrates different treatment for men and women.

Parental leave

While policy regarding pregnancy must be mindful of sex discrimination rulings, nondiscrimination also is an essential element of child care leave policies. Any policy that accommodates women but discriminates against men is illegal. Traditional maternity leave, which permits mothers to take unpaid leave after the disability period, ignores the rights of fathers to care for their children. Such leave privileges must be offered to both males and females.

In addition to the legal implications of discriminatory policies, societal changes regarding the rights and roles of fathers in the nurturing of their children are gaining influence. Private and public sector organizations are meeting those needs by adopting unpaid child care leave policies.

In fact, making unpaid child care leave available to men as well as to women may prove to be more of a public relations plus than a costly benefit. Culturally and historically, men are the breadwinners and women rear the children. Not getting a paycheck is a luxury most men cannot afford. Extended absence from work also is a risk in terms of career advancement.

While these obstacles affect women as much as men, it is economically and culturally more acceptable for women to be on unpaid leave. Nevertheless, the option to take unpaid child care leave must be available to men if it is available to women.

Employees who adopt children

Teachers who are adoptive parents are not usually eligible for sick leave or disability leave when they sign the papers or bring the child home. But, if a school system adopts a child care leave policy, the leave provisions should apply to adoptive parents as well as to biological parents. The needs of the child for care and of the parents for providing that care are the same in both situations.

Some policies define "child care" as caring for a newborn. In such circumstances, adoptive parents qualify for leave if their child is an infant. Not all adopted children are newborns, however. A common response to the differing needs of adoptive parents is to state in policy that child care leave can be used for the care of a newborn *or* newly adopted child.

Common practices

Personal leave policies should be viewed as benefits provided to employees. Such provisions commonly are the subject of contract negotiations with employee organizations. Relations with employees are enhanced when policy recognizes that employees sometimes need to be away from work to deal with personal matters.

When negotiating leave policies, however, the needs of the employer must also be recognized and accommodated. For school systems, it is essential that the instructional program not be disrupted. Procedures may differ for professional and support personnel, although continuity in the support system may be as essential to the instructional program as the classroom teacher.

Common practice allows employees to take unpaid leave for the remainder of the disrupted year plus one additional year. The position the employee returns to following unpaid leave should be comparable to the one last held. Guaranteeing the original position would limit the administration's flexibility during the leave period and may be more disruptive than beneficial to the educational program. ■

Policy Adviser

Can a school system control what is advertised during televised school events?—*Superintendent, New York.*

The rapid expansion of cable television is highlighting the need for school systems to monitor carefully what and how school events are televised. Broadcast of the weekly football game, for example, might bring with it inappropriate commercials for beer, chewing tobacco, or other such products that conflict with school system instructional goals.

Adopting a policy that requires the board or its designee to authorize all televised school events and approve program content, commercials, and commentators can give school systems more control. Such control is common policy among high school and college athletic leagues.

The policy, regulation, and forms should be developed with advice from the school board attorney—infringement of First Amendment rights must be avoided—as well as from appropriate staff members, such as principals and athletic and performing arts directors. In practice, the broadcaster applies for approval and agrees, in a signed contract, to obey school system policies and regulations. Be sure that broadcasters understand the educational basis of the policy and that ignoring the agreement means future broadcasts won't be approved. ■

It's time to register for School Leadership Seminars

To achieve educational excellence in their communities, school leaders need to be well informed and have the leadership skills necessary for moving forward. In response to those needs, NSBA's Leadership Seminars provide four distinct and practical courses in two convenient locations.

Seminar I, scheduled for September 21-22 in Chicago, offers two courses—"Improving Curriculum Content and Student Outcome," and "Improving the Quality of Teaching." The courses will be taught by William G. Spady and Lee S. Shulman.

Seminar II, which takes place in Washington, D.C. on October 12-13, offers two additional courses—"The Chemistry of Leadership" and "Fiscal Support." The faculty for Seminar II are Sam Sniderman and Ivan Wagner.

Both seminars will give participants the opportunity to engage actively in hands-on activities designed to enhance knowledge and improve leadership skills. Participation is limited on a first-come basis to assure individualized instruction. Information on registration and tuition (ask about the special discount for NSBA Direct Affiliates) is available from Nancy Dickinson, NSBA, 1680 Duke Street, Alexandria, Virginia 22314, or call collect 703/838-NSBA.

For more policy help

Sample policies and regulations relating to the topics covered in this month's *Updating* are included in the school administrator's copy of this publication. These are:

Pregnancy and Child Care Leaves: GCBD-R, Professional Staff Leaves and Absences.

Student Pregnancy and Parenthood: IGAI, Sex Education; IGBD, IGBD-R, Programs for Pregnant Students; IGBG, Homebound Instruction; JFE, Pregnant Students.

Televised School Events: KBCE, KBCE-R, Sports and Special Events News Coverage.

Additional sample policies, regulations, or exhibits on these and other topics may be requested from the EPS Policy Information Clearinghouse, NSBA, 1680 Duke Street, Alexandria, Virginia 22314.

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National School Boards Association
1680 Duke Street
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